

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE EMERGENCY)
PETITION OF SMITHVILLE TELEPHONE)
CO., INC. PURSUANT TO INDIANA CODE)
8-1-2-113 AND § 251 (f)(2) OF THE)
COMMUNICATIONS ACT OF 1934, AS)
AMENDED, FOR SUSPENSION OF)
WIRELINE-TO-WIRELESS NUMBER)
PORTABILITY REQUIREMENTS AND FOR)
A GENERIC COMMISSION INVESTIGATION)
INTO THE ISSUES RELATED THERETO)

CAUSE NO. 42550 FILED

NOV 26 2003

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date, the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On November 24, 2003, Smithville Telephone ("Petitioner") filed its *Petition of Smithville Telephone Company and Request for Commission Investigation and for Consolidation in Cause Number 42529* ("Petition"), in which Petitioner requested that the Commission suspend Petitioner's obligation to provide local number portability ("LNP.") In support of its Petition, Petitioner asserted that one of its exchanges fell within one of the top 100 MSAs, thereby entitling it to relief. Petitioner also requested that this cause be consolidated with cause number 42529, and that the Commission open a generic investigation into the issues of the administration, routing and interconnecting of wireline to wireless calls, as well as associated cost recovery.

The Presiding Officers, having reviewed Petitioner's Petition and being duly advised in the premises, hereby find as follows:

Petitioner's request for suspension of its LNP obligation is deemed DENIED. One of the Presiding Officers was hand-served with Petitioner's Petition on November 24, 2003 at 4:00 p.m., or sixteen (16) hours *after* Petitioner was under the obligation to provide LNP as per the FCC's order. Further, Petitioner has offered no evidence that it has received any requests from carriers and/or subscribers for LNP, and has presented no evidence as to the technical issues preventing it from implementing LNP. The FCC was clear in its mandate that carriers were required "to support wireline-to-wireless porting...by November 24, 2003, unless they can provide specific evidence demonstrating that doing so is not technically feasible pursuant to our rules."¹

Petitioner's request for a generic investigation into issues regarding LNP routing, interconnection, administration, and cost recovery of LNP is DENIED. The FCC has already solicited comment in its November 10, 2003 order on issues of intermodal porting, subsuming many of the same concerns expressed by Petitioner. Further, to the extent that the Commission


¹ *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, ¶29 (November 10, 2003.)

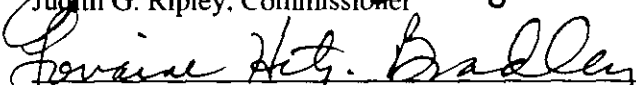
chooses to investigate the issue of LNP in the future, we will do so in a more global manner, absent allegations of emergency.

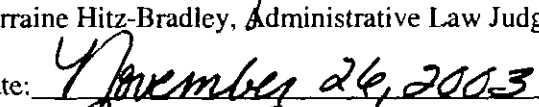
Petitioner's request for consolidation is STAYED. Petitioner's prehearing conference has been set concurrently with cause number 42529 and 42536, at which time the Presiding Officers will take evidence concerning the propriety of consolidation. Further, Petitioner is hereby ordered to provide answers to the following data requests on or before December 1, 2003.

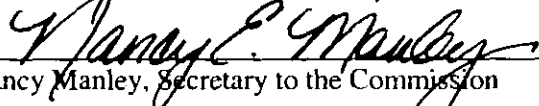
1. Identify the specific local exchange within Petitioner's service area that is within one of the Top 100 MSAs.
2. Does Petitioners currently charge its customers an LNP fee?
3. Does Petitioner have interconnection agreements with wireless carriers, and if so, does Petitioner allege that interconnection agreements effect the obligation to provide LNP?
4. Please provide copies of the portability requests made by other carriers to Petitioner.
5. Petitioner has stated that it does not know how routing, rating and recording of the end user traffic related to any number porting will be achieved. Is Petitioner referring to access charges, reciprocal compensation, or both? Please explain.
6. Please explain how Petitioner knows that there will not be demand within their service territories for wireline-to-wireless number portability.
7. Please provide an audited financial statement for the year ending June 30, 2003.
8. Please provide documentation regarding the costs of implementation of LNP. Such documents include but are not limited to correspondence from vendors, estimates, etc. Include in such documentation all estimates for the amount of time and expense that would be incurred by Petitioner.
9. Please provide documentation regarding the plans that have been made to implement LNP, including but not limited to, board minutes, memos, correspondence, financial projections, etc.

IT IS SO ORDERED.


Judith G. Ripley, Commissioner


Lorraine Hitz-Bradley, Administrative Law Judge

Date:  November 26, 2003


Nancy Manley, Secretary to the Commission